INVESTIGATIVE SUMMARY

The summary of this incident is based upon reports (Exhibit A) and taped interviews. This summary is preliminary and does not include an interview of the Department member involved in the shooting by the Internal Affairs Bureau (IAB) investigators. His account of the shooting was obtained verbally from supervisors and from the Homicide Bureau detectives who were at the scene and interviewed those involved.

On December 25, 1997, Lieutenant Ben Nottingham, and Sergeants Allan Smith and Bervick Deculus of IAB were notified that a Century Station unit had been involved in a shooting which resulted in the suspect being shot. After arriving at the initial location, [redacted] Virginia Avenue, Lynwood, the IAB investigators contacted Lieutenant Art Burgess, Century Station, who provided preliminary details of the incident as relayed to him through the chain of command by Deputy Michael Winter, [redacted] who was involved in the shooting. The IAB investigators interviewed two witnesses in conjunction with the Homicide Bureau investigators at the scene. Sergeant David Coleman of the Training Bureau was also present at the location.

Investigation revealed that on December 25, 1997, at approximately 0013 hours, Deputy Michael Winter, patrol unit 212 EM, responded to [redacted] Virginia Avenue, Lynwood, on a 911 hang up call, Tag 335. He was assigned the call without an assisting unit. When Deputy Winter arrived at the location, he parked approximately two houses north of the indicated house. He exited his car and approached on foot, but paused at the yard north of the location to listen and observe for noise or movement inside. He saw no movement and heard nothing from inside the house, so he proceeded forward, but stopped a second time as he neared, to again observe for activity inside. He also saw that the exterior of the house was dark and the interior appeared to have a light on inside.

Deputy Winter walked to the front door, knocked and announced "Sheriff's Department," but received no response. He also knocked on the front windows while he was on the porch. He then walked around to the south side of the house and knocked on several windows as well as two older vehicles which were parked in the driveway, and again received no response. He then walked back to the front door and knocked on the door and again received no response. He then tried the sliding glass doors on the north side of the house and also received no response. Having received no response and hearing nothing from inside, Winter walked back to his radio car and prepared to leave the location. He hit the10-98 button at 0018 hours and typed in his clearance.

IAB Note: Prior to the shooting, the only written procedure for handling a 9-1-1 call was contained in a Field Operations Support Services Newsletter #20, dated 04-02-90. The

Newsletter only addressed "9-1-1, Open-Line-Unknown Problem" calls (Exhibit B). Recognizing that the Newsletter did not specifically address "9-1-1, Hang-Up" calls, the Advanced Training Bureau issued a Sheriff's Announcement, on 12-30-97 detailing the Guidelines / Procedures for Handling 9-1-1 Calls, including hang-up calls (Exhibit C).

Deputy Winter then began to drive away, southbound from the location. As he did, his attention was drawn to an exterior light coming from the house. He looked to his right and saw that the location's front door was open and light was shining out from inside the house. He also saw a male hispanic standing on the front porch. He stopped his car directly in front of the house and exited to contact the individual (Suspect Antuna) and inquire about the call. Winter noticed that the suspect appeared to be agitated and upset.

As Deputy Winter began to walk across the sidewalk toward the suspect, the suspect began to walk off the front porch toward him. Winter asked him if everything was alright and if anything was wrong. The suspect responded in broken English by asking Winter why he was at his house. Winter told him that someone had dialed 911 from the house and he wanted to know if everything was alright. The suspect, who was now becoming more agitated, raised his hands up and again asked Winter why he was there. As the suspect raised his hands, his black leather jacket opened at the front and Winter saw a handgun tucked in his front waistband. Winter immediately drew his weapon and ordered the suspect in Spanish and English to keep his hands up. Deputy Winter and the suspect were now approximately 10' - 12' apart.

The suspect ignored Winter's commands and began to reach for the gun with his right hand. He then grabbed the gun and began to pull it from his waistband, while stepping back with his right foot. Winter immediately fired three rounds at the suspect and then fired a second burst of four rounds, while retreating backwards toward his car. The suspect went down near the front porch and began to crawl up the step. Winter, who was now back at the driver's side of his car, requested assistance over his Sheriff's radio. In between his radio transmissions he saw the suspect crawl onto the porch and toward the front door. Winter ordered him not to move, but the suspect ignored his commands and crawled into the house and closed the front door. Winter continued with his assistance request and began coordinating his assisting units. Upon seeing the first assisting unit arrive, southbound on Virginia Avenue, Winter entered his car and drove out of the "kill zone." A perimeter containment was then set up and an aero unit responded.

After a perimeter was established and the location was contained, the suspect was ordered out of the house. The suspect gave no response and refused to comply. After approximately 40 minutes and several failed attempts to get him to comply, a stun bag

round was fired into the front window of the house. The suspect was again ordered to come out of the house. He now complied and came outside, through the front door. After he exited the house, he was taken into custody without further incident. He was transported via ambulance to Saint Francis Hospital with a gunshot wound to his lower back / buttocks area.

IAB Note: The Saint Francis Medical Center, Trauma Flow Chart indicated that the suspect was shot near the left hip area, just above his left buttock (Exhibit D).

Recovered on the front porch of the location was a "Bersa", .380 auto, loaded with one round in the chamber and five rounds in the clip. The weapon was on safe at the time that it was recovered.

Homicide investigators said that the security light at the southeast corner of the suspect's house only operates when the front porch light switch is turned on. The investigators theorized that the switch had to have been off when Deputy Winter arrived because the motion detector light never activated when he walked the perimeter of the house. When the suspect turned on the front porch light and exited, he then activated the motion detector light.

Deputy Michael Winter told Homicide Bureau investigators basically the same as the above with the following additions: He said that he received the call over his MDT as a routine call with no assisting units. [redacted] He said that while he was enroute to the call, he checked the location's address over his MDT for warrants and received no hits. He said that while he was at the location he noticed that there were no cars in the street in front of the house, but there were two older vehicles in the driveway beyond the front of the house that did not appear to be operable.

Deputy Winter said that he had his flashlight in his non-gun hand through out the incident. He also said that he announced "Sheriff's Department" several times as he tried the windows and front door of the house. He said that while he was checking the exterior of the house, there was nothing coming from inside that would have indicated to him that someone was home.

Deputy Winter said that he drove his vehicle out of the kill zone by kneeling down and using his hands to operate the accelerator and brake. He did this to keep his upper torso below the windows of his car. After he moved the radio car he exchanged his ammunition magazine.

Deputy Winter said that he was never close enough to the suspect to smell alcohol coming from him and that the contact was not long enough for him to make a

determination if he had been drinking.

Witness [redacted] told Homicide Bureau and IAB investigators that while he was inside his house, which is [redacted], he heard approximately six or seven gunshots from outside. He opened his front door and looked outside to investigate. He saw a radio car parked in front of the suspect's house with it's spot light shining on a neighbor's house. He said that he then had his wife call the location because the people who live in the house are good friends of theirs. His wife, Witness [redacted], told him that the suspect answered the phone and told her in Spanish that he had been shot and needed help. [redacted] then got on the phone with the suspect and he told him the same thing, that he needed help. He then hung up the phone. Witness [redacted] said that he then called the Century Station with the above information.

Witness [redacted] said that the suspect had been drinking at his house earlier in the evening, between 7:00 and 9:00 PM. He said that the suspect had "two shots of brandy" while he was there. He said that the suspect appeared to have been drunk when he arrived at his house. He described him as being to drunk to drive a car. He said that the suspect had been drinking earlier in the day, between 12:00 and 3:30 PM, at another party.

Witness [redacted] said that the owner of the house, [redacted], owned a handgun. He described the gun as being similar to the one recovered on the front porch.

IAB investigators and Century Station deputies interviewed several more witnesses, but none were able to offer any substantial information or indicate that they had observed any portion of the incident leading up to and including the shooting. Their statements included hearing the gunshots, seeing the responding Sheriff's units and helicopter and hearing the suspect being ordered out of the house.

On December 26, 1997, at approximately 1250 hours Homicide Bureau investigators attempted to interview the suspect at Saint Francis Hospital. He told them he had been living at the house for approximately five months with his [redacted] but he refused to waive his rights and talk to them about the shooting or the circumstances surrounding it.

On December 29, 1997, at approximately 1555 hours, Sergeant Allan Smith contacted Suspect Antuna at the hospital and obtained his authorization for the release of his medical records. His medical report indicated that his blood alcohol level at 0130 hours was .235%. The hospital records department advised Sergeant Smith that the suspect's final medical report would not be released until his discharge from the hospital.

IAB Note: IAB received the suspect's medical report on January 26, 1998 (Exhibit H)

Suspect Antuna was arraigned in the Lynwood Branch Court on January 2, 1998, where he was held to answer on the charge of Drawing a Firearm in the Presence of a Police Officer, 417(C) PC, Court Case #TA0497630. He is currently out of custody on an OR release. His scheduled Preliminary Hearing setting date of 02-10-98 was continued until 03-10-98 in Division 14, Lynwood Court.